

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
DECEMBER 21, 2010

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on December 21, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,
Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

MINUTES

Mayor Wall called for approval of the City Council minutes of the meeting of December 7, 2010.

Upon motion by Councilmember Ross, seconded by Councilmember Butler, it was resolved unanimously to approve the minutes of the meeting held on December 7, 2010.

ADOPTION OF AGENDA

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

ITEM 1:

- A) North Carolina State Firemen's Association Annual Certification of Firemen pursuant to N.C.G.S. 58-86-25.

- B) To approve Certificates of Mailing and Certificate of Posting of annexation maps and property owner lists. These documents certify to the City Council that the necessary procedures established in G.S. 160A-49 have been followed regarding the notice of annexation to property owners in the nine proposed annexation areas.

CONSENT AGENDA ITEM B

CERTIFICATE OF POSTING OF ANNEXATION AREA MAPS AND LISTS OF PERSONS HOLDING FREEHOLD INTEREST IN PROPERTY IN THE AREAS TO BE ANNEXED

I do hereby certify that a copy of the NINE ANNEXATION AREA MAPS AND NINE LISTS OF PERSONS HOLDING FREEHOLD INTEREST IN PROPERTY IN THE AREAS TO BE ANNEXED has been on display and available for public inspection in the City of Burlington's, City Clerk's Office at 425 South Lexington Avenue, Burlington, NC 27215 since September 22, 2010 as required by G.S. 160A-49(c). The nine annexation areas are as follows:

1. Alamance Guilford Line Area
2. Garden Road Area
3. Random Lane North Area
4. Random Lane South Area
5. Westview Terrace Area
6. Crouse Lane Area
7. Kirkpatrick Road Medical Offices Area
8. Greystone Condo Area
9. Airport Area

Respectfully submitted,

DATED this 8th day of December

Johdeen A. Terry
Johdeen Terry, City Clerk
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215



Sworn to (or affirmed) and subscribed before me this the 8 day of December, 2010.



Renee M. Ward
Official Signature of Notary

Renee M. Ward, Notary Public
Notary's printed or typed name

My commission expires: 5-30-2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Garden Road Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Shoffner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)



Staci K. Harris
Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name

My commission expires: 03/23/2015

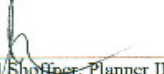
CONSENT AGENDA ITEM B

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Alamance-Guilford Line Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Shoffner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)



Staci K. Harris
Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name


My commission expires: 03/23/2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Random Lane North Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Shoffner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)




Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name


My commission expires: 03/23/2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Random Lane South Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Shoffner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)




Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name

My commission expires: 03/23/2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Westview Terrace Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Shoffner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)




Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name


My commission expires: 03/23/2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Westview Terrace Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Shoffner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)




Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name


My commission expires: 03/23/2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Kirkpatrick Road Medical Offices Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Spollner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)




Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name

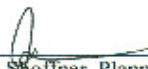
My commission expires: 03/23/2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Greystone Condo Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Spollner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)




Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name

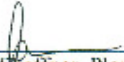
My commission expires: 03/23/2015

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the foregoing NOTICE OF PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING ON QUESTION OF ANNEXATION NOTICE to the property owners of the Airport Annexation Area by first class mail and sent by certified mail, return receipt requested any returned notices as required by G.S. 160A-49.

Respectfully submitted,

DATED this 8th day of December, 2010.


Daniel Shollner, Planner II
City of Burlington
425 South Lexington Avenue
Burlington, NC 27215

Sworn to (or affirmed) and subscribed before me this the 8th day of December, 2010.

(Official Seal)




Official Signature of Notary

Staci K. Harris, Notary Public
Notary's printed or typed name

My commission expires: 03/23/2015

- C) To approve amendments to the annexation descriptions due to typographical errors and to amend the City Council minutes of September 21, 2010, for the purpose of correcting these description errors and to approve an amendment to the nine resolutions of intent setting the effective date of the proposed annexations as December 31, 2011, at 11:59 p.m.

Garden Road:

Page 1, line 3, on legal description: The bearing S67-37-12E should have been S65-37-12E.

Page 1, line 4, legal description: The bearing S72-02-55W should have been S73-02-55.

Airport:

Page 1, line 1, on legal description: The word "eastern" should have been western.

Page 1, line 7, on legal description: Missing call inserted N87-35-26W 15.39' to a point.

Page 1, line 14, on legal description: The distance 853.75' should have been 853.79'.

Page 1, line 15, on legal description: The distance 885.45' should have been 865.48'.

Page 2, line 5, on legal description: The bearing N02-07-53W should have been N02-07-53E.

Page 2, line 31, on legal description: The bearing S11-52-57W should have been S11-51-57W.

- D) To approve a Notice of Intent by the City of Burlington to consider adoption of resolution authorizing an amendment to the water tower attachment communications site agreement with Alltel Communications, LLC, at the January 4, 2011, City Council meeting.

NOTICE OF INTENT BY THE CITY OF BURLINGTON TO ADOPT A RESOLUTION TO AMEND THE WATER TOWER ATTACHMENT COMMUNICATION SITE AGREEMENT WITH ALLTEL COMMUNICATIONS, LLC, D/B/A VERIZON WIRELESS

On May 17, 2005, the City of Burlington leased to Alltel Communications, LLC, D/B/A Verizon Wireless certain City-owned surplus real property located at 1108 Race Street, Burlington, NC 27217, for the construction of a communications facility.

Pursuant to North Carolina General Statutes 160A-272, the City of Burlington, NC, upon confirmation by the City Council of the City of Burlington at its meeting on January 4, 2011, intends to adopt a resolution authorizing an amendment to the above described Water Tower Attachment Communication Site Agreement to allow Alltel Communications, LLC D/B/A Verizon Wireless to modify its equipment located on the site more particularly described as follows:

Beginning at an existing iron pipe on the northern right-of-way of Race Street, said point being the southwest corner of Burlington Industries, Deed Book 327, Page 145, Alamance County Registry, thence along said right-of-way South 67°08'41" West, 173.21 feet to an existing iron pipe, thence North 82°06'19" West, 16.88 feet to a point on the eastern right-of-way of Loy Street; thence along said right-of-way North 36°51'19" West, 10.00 feet, thence North 05°23'41" East, 204.30 feet to a point on the southern right-of-way of Southern Railroad, thence along said right-of-way South 66°01'19" East, 137.00 feet to an existing iron pipe,

thence a line with said Burlington Industries South 22°41'19" East, 98.38 feet to the point and place of beginning, being all of City of Burlington, Deed Book 339, Page 207, Alamance County Registry, and containing 0.56 acres, more or less.

Alltel Communications, LLC D/B/A Verizon Wireless has requested that the original Agreement be amended by replacing Exhibit C (Site Plan and Equipment List) with Exhibit C-1, attached hereto.

Exhibit C-1

Four (4) Decibel DB844H80E-XY antennas @ 147'

Two (2) Antel LPA-70063-8CF-EDIN antennas @ 147'

Coax lines not to exceed 1 5/8" in diameter

Together with Tenant's equipment shelter and/or cabinets and related ground equipment within Tenant's leased Premises.

E) To approve revisions to the solid waste ordinance. The revisions will update the City's ordinance to comply with state laws banning certain materials from the landfill.

10-29

PROPOSED AMENDMENTS TO CHAPTER 13 (SOLID WASTE) OF THE BURLINGTON
CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, North Carolina, that the following change be made to Chapter 13 (Solid Waste) of the City Code:

Sec. 1: That Section 13-2 (Definitions) be amended as follows:

Recyclables. Items included in the Alamance County recycling ordinance that includes but not limited to selected glass, newsprint and accompanying inserts, aluminum, cardboard, plastics and other items determined to be recyclable.

Sec. 2: That Section 13-27 (Refuse not collected by the city) be amended as follows:

- (a) Waste from the cleaning and dressing of any fish, flesh or fowl conducted by a commercial operation, such as fish markets, meat processing plants or other businesses of this nature will not be collected by the City.
- (b) No construction and demolition debris or refuse from building operations and/or landscape work will be collected by City forces, except for small quantities not exceeding two 32-gallon containers and not to exceed 50 pounds each per project shall be collected if work is done by the homeowner or occupant. Removal of construction and demolition debris shall be the responsibility of the property owner. In addition, any material exceeding six (6) feet in length or otherwise improperly prepared shall not be collected.
- (c) Animal or human excreta will not be collected by city forces.
- (d) Infectious waste or hazardous waste will not be collected by city forces.
- (e) Tires, lead acid batteries, paints, waste oil and oil filters, lubricants and other petroleum distillates shall not be collected by city forces.
- (f) Oxygen tanks and other medical equipment; propane tanks; large oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts; including but not limited to motors, doors fenders, tires, car seats or batteries from a residentially used premises, shall not be collected by the city forces.
- (g) Oyster shells from private citizens will not be collected by city forces.
- (h) Wooden pallets will not be collected by city forces.
- (i) Material in non-clear plastic bags that are placed for collection outside of the refuse container will not be collected by city forces.
- (j) Beginning July 1, 2011 discarded consumer electronics will not be collected. This includes but is not limited to televisions (cathode ray tube, projection and flat panel), computer monitors (cathode ray tube or flat panel), computers, computer peripherals, fax machines, VCR and DVD players and stereos.
- (k) Beginning July 1, 2011 used fluorescent lamps containing mercury and mercury containing thermostats will not be collected. This includes straight, circular and compact fluorescent lights.

Sec. 3: That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Sec. 4: Except as otherwise specified, this ordinance shall take effect upon passage.

F) Budget Amendment 2011-22 - Recreation - PTCOG Senior Center General Purpose Funding Grant

BA2011-22

Increase Revenues:

010-33400-6260	PTCOG Grants	\$12,245
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Increase Expenditures:

010-62626-1500	Maint/Rep Build/Grounds	\$ 3,500
010-62626-3300	Departmental Supplies	7,500
010-62626-3390	Equipment Not Capitalized	1,245

G) Budget Amendment 2011-23 - PTCOG Grant - Area Agency on Aging - Title III-D Health Promotion & Disease Prevention

BA2011-23

Increase Revenues:

010-33400-6260	PTCOG Grants	\$ 3,500
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Increase Expenditures:

010-62626-3300	Departmental Supplies	\$ 3,500
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Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to approve the foregoing consent agenda.

NEW BUSINESS:

ITEM 2: AMENDMENTS - PLAN FOR SERVICES REPORT - GARDEN ROAD, WESTVIEW TERRACE AND AIRPORT AREA ANNEXATIONS

Mayor Wall announced that the City Council would consider amendments to Plans for Services Report for the Garden Road, Westview Terrace and Airport Area annexations.

Planning and Economic Development Director Bob Harkrader asked Council to amend the Plans for Services Reports for the Garden Road, Westview Terrace and Airport Area annexations. The amendments are necessary as a result of requests for water and sewer service from property owners within the Garden Road and Westview Terrace annexation areas. (NOTE: Pages 10 and 12 of the adopted Plan for Services Report for the Garden Road Area should be replaced with the revised pages. Pages 9 and 11 of the adopted Plans for Services Report for the Westview Terrace Area should be replaced with the revised pages.) He stated that the street maintenance map (Pages 14-15 and 31-32) for the Airport Area Plan for Services Report be adopted to reflect the addition of 0.3 miles of roads that will be maintained by the City of Burlington upon annexation.

ITEM 3: ADOPTION OF NINE ANNEXATION ORDINANCES

Mayor Wall announced that the City Council would consider adopting nine annexation ordinances for the following proposed areas to be effective December 31, 2011, at 11:59 p.m.:

1. Alamance-Guilford County Line Area
2. Garden Road Area
3. Random Lane North Area
4. Random Lane South Area
5. Westview Terrace Area
6. Crouse Lane Area
7. Kirkpatrick Road Medical Offices Area
8. Greystone Condo Area
9. Airport Area

Mayor Wall reminded everyone that the public hearings were held on December 7, 2010. He opened the floor for comments from Councilmembers.

Councilmember Ross gave a history of the western part of the City and said it was also relative to other annexation areas. He explained that in the 1990's there were areas near the Guilford County line where municipal services were failing. He said that Burlington's sewer capacity became overloaded. He said there were numerous meetings with Gibsonville since they bought water and sewer service from Burlington. He stated that in 2004 when Mayor Leonard Williams was elected mayor of Gibsonville an

annexation agreement was reached. Taxpayers voted on a bond referendum to build an outfall. He said there was also an annexation line of agreement with Whitsett and Greensboro. He said that the City ran a sewer line up Highway 70 and had to bore under the highway. He explained that the taxpayers of Burlington paid for those lines.

Councilmember Ross said that there was a tremendous inequity when properties benefit from location or benefit from utilities that come sometimes at a tremendous cost to the taxpayers. He said that those that have been outside the City limits should be participating with the other taxpayers in Burlington. He pointed out that the annexations would not be effective for another year and the first tax statements would not go out for one and one-half years.

Mayor Pro Tem Huffman thanked the people that participated in the public hearings. He said many people spoke from the heart and that the Council was sensitive to that. He explained that at those hearings there were concerns about the \$800,000 profit for the City but that the taxpayers in the City of Burlington had already fronted the money as well as a lot of the services. Mayor Pro Tem Huffman reiterated that the Great Alamance Creek sewer outfall allowed the City to extend public sewer to undeveloped areas south of the interstate. He explained that when the citizens voted on a \$15 million referendum to put in the sewer line, over 10,000 acres were opened up for development. He said that vacant land could not be annexed. He said that Burlington had paid the cost of four pump stations.

Mayor Pro Tem Huffman said Burlington's newest fire station already served most of the proposed annexation areas and that full-time fire departments were faster than voluntary fire departments. He said that 911 calls were answered by the Burlington Fire Department and that there was a contract to respond to fires at the airport. He said that annexations were not the result of poor planning on the part of the state, county or City but were rather the result of good planning. He said that the public had a say in what was developed in these areas via land planning meetings and that there were modifications of the Zoning Ordinance. He said there was a lot of planning on behalf of the citizens and that he was pleased with the process.

Councilmember Butler said he was very appreciative of everyone that had weighed in with comments and input. He said Council had tried to be upfront in answering questions but that it had to make tough decisions and what was in the best interest of the citizens of Burlington. He said that decisions must be based on fact, not emotion; true facts based on history

and thorough research and not just for special interests of a chosen few or various entities to bring about an equitable distribution of assets. He summarized the pros and cons of the public hearings. He said that planning was the process of selling bonds - Build America and revenue bonds. He said Burlington was fiscally responsible and that these annexations would take Burlington forward. He said leadership was based on systematic planning and implementation.

Councilmember Butler pointed out that people just outside the City limits receive City utilities and receive fire and police protection without paying City taxes. He explained that the taxes from the annexation areas would distribute the cost of Burlington's services more equitably among people who already benefit from these services. He said it was not taxation without representation because the elected Council was representation for those who were going to be affected.

Councilmember Butler stated the legislature will study the annexation laws in 2011 but that the City of Burlington already met most of the proposed changes. Councilmember Butler said that the City can only do what the General Statutes say. He said he wished the effective dates could be later. Councilmember Butler said the time to correct a problem is when you discover it; that it was the penalty of leadership.

Councilmember Faucette stated he had studied the annexation plans and was comfortable with most of them. He said it was important to listen to the citizens of Burlington in order to get a clear understanding of their wishes.

Mayor Wall thanked everyone for being a part of the process and thanked Council for its discussion. Mayor Wall said that he realized that a tax increase was difficult for friends, colleagues and those on fixed incomes. He said making a decision on the annexations was the most difficult decision he has made since 2005. He said that approval of the annexations would be beneficial to the citizens of Burlington and that Council would be discussing condo developments that did not receive the full range of services. He said the annexations would clean up public safety issues. He said it was controlled growth and that the City was moving forward.

ALAMANCE-GUILFORD COUNTY LINE AREA

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

ALAMANCE GUILFORD COUNTY LINE ANNEXATION DESCRIPTION

A certain tract or parcel of land in Boone Station Township, Alamance County and Rock Creek Township, Guilford County, North Carolina, adjoining the lands of Lots 1 & 1A Scarlett Family Trust, Lot 2 – K & J on Springwood, LLC., Abbey Glen Condominiums, LLC., Ashley Woods Drive, Stonemor North Carolina, LLC., and S. Church Street (U.S. Hwy. 70) and more particularly described as follows:

BEGINNING at a mathematical point inside the margin of S. Church Street (U.S. Hwy. 70) and being on the line of the existing City of Burlington Corporate Limits (Pb.67 P.246) and being N. 86-59-10 W. 1688.85 feet from NCGS monument "Cemetery", running thence inside the margin of said S. Church Street and also with the line of the existing City of Burlington Corporate Limits (Pb.67 P.246) along a curve having a chord bearing and distance of S. 72-40-35 W. 431.19 feet and having a radius of 1472.23 feet to a mathematical point and being located inside the margin of said S. Church Street, thence again inside said S. Church Street N. 21-45-29 W. 21.94 feet to a mathematical point and being on the northwest margin of said S. Church Street and being a corner with Lot 2 K & J on Springwood, LLC., thence with the line of said Lot 2 N. 17-31-32 W. 323.18 feet to a mathematical point and being a corner with said Lot 2 and in the line of Abbey Glen Condominiums, thence with the line of said Abbey Glen Condominiums N. 61-47-49 E. 397.49 feet to a mathematical point and being on the southwest margin of Ashley Woods Drive, thence across Ashley Woods Drive N. 76-57-42 E. 60.04 feet to mathematical point and being on the northeast margin of said Ashley Woods Drive and being a corner with Abbey Glen Condominiums and Lot 1A – Scarlett Family Trust, thence with said Lot 1A and continuing with Lot 1 – Scarlett Family Trust S. 15-05-31 E. 395.69 feet to a mathematical point and being a

corner with said Lot 1 and on the northwest margin of S. Church Street (U.S. Hwy. 70), thence inside the margin of said S. Church Street S. 15-05-31 E. 20.22 feet to the BEGINNING, containing 3.82 acres (0.0060 square miles) more or less.

This description was taken from a plat by Simmons Engineering & Surveying entitled, "Final Plat Corporate Limits Extension City of Burlington", dated July 22, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 1,772 feet. The length of the aggregated external boundary that coincides with the City's existing boundary is 900 feet, which is 50.8% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{900}{1,772} = 0.508 \times 100 = 50.8\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).
- (4) Developed for Urban Purposes

Nonresidential Urban Uses - The area is developed for urban purposes such that it meets the following test (G.S.160A-48(c)(5)) in that all tracts at the time of the annexation report are used for commercial, industrial, governmental, or institutional purposes. This is demonstrated as follows:

- Nonresidential Urban Uses Test

Total number of lots and tracts	1
Number lots & tracts used for urban purposes [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	1
Percentage of lots and tracts used for urban purposes	100%

- (5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council on September 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Guilford County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Councilmember Ross, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Ross and Faucette. Councilmember Butler voted against the motion.

GARDEN ROAD AREA

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

10-30

AN ORDINANCE TO EXTEND THE CORPORATE LIMIT OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE

4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

GARDEN ROAD ANNEXATION DESCRIPTION

Beginning at a point in the northern R/W of Garden Road the Southeast corner of Lot#16 of Whitt Acres Phase II, thence N13-59-31E 678.37' to a point, thence S86-23-45E 484.69' to a point, thence S86-41-11E 964.85' to a point, thence S65-37-12E 677.43' to a point, thence S73-00-41W 364.85' to a point, thence S73-02-55W 516.99' to a point, thence S35-23-11W 480.37' to a point, thence S29-33-07W 322.18' to a point in the northern R/W of Garden Road, thence with said R/W S56-22-28E 188.59' to a point, thence crossing said R/W S33-27-15W 60.00' to a point, thence S02-14-15W 251.24' to a point, thence N56-32-51W 747.56' to a point, thence N87-59-53W 1202.90' to a point, thence S54-56-52W 435.75' to a point, thence N47-58-41W 112.18' to a point, thence S72-28-55W 446.92' to a point, thence S11-29-57W 39.80' to a point, thence N38-43-31W 37.32' to a point, thence S72-27-47W 729.21' to a point, thence S06-15-55E 123.57' to a point, thence S05-49-22E 217.49' to a point, thence S84-26-19W 65.21' to a point, thence S84-26-19W 412.02' to a point, thence S 84-17-44W 199.07' to a point, thence continuing S84-17-44W 265.71' to a point, thence S02-35-13W 275.58' to a point, thence S18-13-59W 89.09' to a point, thence S46-58-35W 154.08' to a point in the western R/W of University Dr. thence with said University Dr. following a curve to the right having a radius of 5026.24' and a chord of N42-26-40W 101.11' to a point, thence N41-09-09W 46.92' to a point, thence N41-09-36W 36.36' to a point, thence N49-03-24E 55.75' to a point, thence N39-54-55W 173.56' to a point, thence N38-59-33W 159.06' to a point, thence N60-55-58W 147.05' to a point, thence N03-20-23E 82.16' to a point, thence N38-55-49W 239.27' to a point, thence N38-08-57W 696.03' to a point, thence N42-26-29W 131.60' to a point, thence N38-36-13W 227.32' to a point at the Northwest corner of the intersection of University Dr. and Rural Retreat Rd., thence S07-36-40W 109.14' to a point, thence following a curve to the left having a radius of 564.30' and a chord of S44-13-42W 106.87' to a point, thence N37-23-52W 593.29' to a point, thence N36-31-37W 350.90' to a point, thence N64-12-36W 763.01' to a point, thence N39-36-50E 613.97' to a point in the western R/W of University Dr. thence crossing said University Dr. N40-02-03E 142.00' to a point, thence with the eastern R/W of University Dr. following a curve to the left having a radius of

1635.68' and a chord of S24-47-08E 581.56' to a point, thence S37-36-02E 224.98' to a point, thence S38-52-19E 301.13' to a point, thence N30-39-00E 860.22' to a point, thence N14-02-15E 730.61' to a point, thence S69-26-45E 639.31' to a point, thence N14-40-30E 242.80' to a point, thence N18-30-58E 61.12' to a point, thence N13-56-15E 120.00' to a point, thence N02-11-45W 45.00' to a point, thence N87-48-15E 170.00' to a point, thence N57-56-15E 136.00' to a point, thence N37-09-45W 203.32' to a point, thence N35-12-15E 198.58' to a point, thence N73-15-45W 305.20' to a point, thence N12-01-15E 12.20' to a point, thence N12-35-46E 51.63' to a point, thence S86-09-43E 752.20' to a point, thence S03-38-14W 111.01' to a point, thence S86-09-43E 372.45' to a point, thence S01-32-14W 100.00' to a point, thence S88-27-46E 360.00' to a point, thence S01-32-14W 50.00' to a point, thence S86-07-49E 176.33' to a point, thence S03-19-42W 187.55' to a point, thence N86-40-18W 100.00' to a point, thence S03-22-32W 159.16' to a point, thence S87-59-25E 281.52' to a point, thence continuing S87-59-25E 82.14' to a point, thence S87-59-25E 92.80' to a point in the western R/W of St. Marks Church Rd. thence the Western R/W of said road N28-11-07E 29.15' to a point, thence N24-33-27E 120.36' to a point, thence N17-00-55E 95.34' to a point, thence S78-24-54E 287.03' to a point, thence N03-52-23E 242.06' to a point, thence N87-06-09W 197.64' to a point, thence S02-53-51W 15.00' to a point, thence N85-27-15W 15.13' to a point, thence N04-31-23E 62.59' to a point, thence S87-06-09E 1276.83' to a point, thence S02-04-40W 701.00' to a point, thence N51-05-30W 526.24' to a point, thence N77-58-48W 198.28' to a point, thence S27-20-06W 544.56' to a point, thence N66-06-52W 645.96' to a point, thence S29-13-58W 257.23' to a point, thence S30-30-52W 98.72' to a point, thence N64-57-40W 441.07' to a point, thence S25-04-58W 552.02' to a point, thence N69-23-42W 989.79' to a point, thence S13-00-15W 1687.58' to a point in the northern R/W of Rural Retreat Rd., thence S87-03-59E 1274.63' to a point, the northwest corner of the intersection of Rural Retreat Rd and St. Marks Ch. Road , thence with St. Marks Church Road following a curve to the right having a radius of 1402.36' and a chord of N10-42-07E 744.72' to a point, thence N26-06-00E 89.39' to a point, thence N64-06-17W 259.45' to a point, thence N26-06-00E 354.23' to a point, thence S63-52-37E 319.55' to a point, thence S26-03-44W 77.60' to a point, thence S67-45-27E 398.92' to a point, thence S11-44-20W 218.81' to a point, thence S78-31-12E 150.00' to a point, thence N11-48-08E 200.00' to a point, thence N11-40-55E 215.89' to a point, thence S78-29-36E 209.32' to a point, thence S11-29-49W 99.87' to a point, thence S78-31-29E 159.89' to a point, thence S52-35-14E 21.63' to a point, thence N34-43-43E 330.25' to a point, thence N55-11-56W 49.93' to a point, thence S34-43-04W 149.97' to a point, thence N55-19-19W 15.43' to a point, thence N78-30-30W 147.84' to a point, thence N55-16-56W 32.50' to a point, thence N18-44-35E 60.84' to a point, thence N34-49-15E 209.90' to a point in the northern R/W of Garden Road, thence with said R/W S55-17-05E 1063.23' to a point, thence S56-58-44E 299.39' to a point, thence S55-00-40E 90.27' to the place and point of beginning containing 279.705 Acres (0.4370 sq miles) as shown on survey by RS Jones and Associates, Inc entitled "City of Burlington Corporate Limits Extension" dated Sept. 14, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 39,607 feet. The length of the aggregated external boundary that coincides with the City's

existing boundary is 36,601 feet, which is 92.4% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{36,601}{39,607} = 0.924 \times 100 = 92.4\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).

(4) Developed for Urban Purposes

Garden Road Sub-Area A: Population Density - A portion of the area is developed for urban purposes such that it meets the following test (G.S.160A-48(c)(1)) in that the area has a total resident population equal to at least 2.3 persons per acre of land within its boundaries. The Garden Road Sub-Area A consists of 109 lots on 214.5 acres and needs a population of 493.4 people in order to qualify under the General Statutes. Garden Road Sub-Area A has 206 dwelling units (87 home and 119 apartments) with a persons per household of 2.49 for an estimated population of 512.

Total number of lots and tracts (Sub-Area A)	109
Total Acreage	214.5 acres
Population required to meet 2.3 people per acre of land	493.4 people
Garden Road Sub-Area A Population: [Population = dwelling units x persons per household] or Population = 206 x 2.49 (Census Tract 217)	512.9 people

Garden Road Sub-Area B: Nonresidential Urban Uses - Sub-Area B is developed for urban purposes such that it meets the following test (G.S.160A-48(c)(5)) in that all tracts at the time of the annexation report are used for commercial, industrial, governmental, or institutional purpose. This is demonstrated as follows:

- Nonresidential Urban Uses Test

Total number of lots and tracts (Sub-Area B)	7
Number lots & tracts used for urban purposes [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	7
Percentage of lots and tracts used for urban purposes	100%

Garden Road Sub-Area C: Nonresidential Urban Uses - Sub-Area C is developed for urban purposes such that it meets the following test (G.S.160A-48(c)(5)) in that all tracts at the time of the annexation report are used for commercial, industrial, governmental, or institutional purposes. This is demonstrated as follows:

- Nonresidential Urban Uses Test

Total number of lots and tracts (Sub-Area B)	1
--	---

Number lots & tracts used for urban purposes [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	1
Percentage of lots and tracts used for urban purposes	100%

(5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

(6) Land Bridge - G.S.160A-48(d) provides that an area which is not yet developed for urban purposes may be included in the annexation area if it “constitutes a necessary land connection” between the city and areas developed for urban purposes, or between two more areas developed for urban purposes.” A land bridge connection may not exceed 25% of the total area to be annexed. To qualify it must:

- a) Lie between the municipal boundary and an area developed for urban purposes such that the area developed for urban purposes is either not adjacent to the city, or can’t be served without extending services and/or water or sewer through the area. (G.S. 160A-48(d)(1)); **OR**
- b) Be adjacent on at least 60% of its external boundary to any combination of the municipal boundary and boundary of an area developed for urban purposes. (G.S. 160A-48(d)(2)).

The Garden Road Area includes one land bridge totaling 1.97 acres. This property qualifies as a land bridge because it is adjacent on at least 60% of their external boundary to any combination of the municipal boundary and boundary of an area developed for urban purposes. (G.S. 160A-48(d)(2)). The Garden Road Area could have annexed a total of 61.7 acres of land under the land bridge provision in the General Statutes and still be below the maximum 25% threshold.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved as amended by the City Council on December 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Councilmember Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler and Ross. Councilmember Faucette voted against the motion.

RANDOM LANE NORTH AREA

Councilmember Ross moved for the adoption of the following ordinance:

10-31

AN ORDINANCE TO EXTEND THE CORPORATE LIMIST OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

RANDOM LANE NORTH ANNEXATION DESCRIPTION

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining the lands of Lot 1 – Random Hills, James C. Parker, Jr., James David Allred, Jr. and Random Lane and more particularly described as follows:

BEGINNING at a mathematical point and being on the western margin of Random Lane, running thence with the margin of Random Lane S. 00-54-28 E. 67.23 feet to a mathematical point and being a corner with Lot 1 – Random Hills, thence with said Lot 1 S. 13-04-45 W. 62.30 feet to a mathematical point and being a corner with said Lot 1, thence again with the line of said Lot 1 N. 76-55-15 W. 115.40 feet to a mathematical point and being a corner with said Lot 1 and in the line of James C. Parker, Jr., thence with the line of said Parker N. 11-00-45 E. 165.70 feet to a mathematical point and being in the line of said Parker, Jr. and being on the line of the existing City of Burlington Corporate Limits (Pb.55 P.176), thence with the line of the existing City of Burlington Corporate Limits and James David Allred, Jr. S. 88-31-15 E. 95.28 feet to a mathematical point and being on the western margin of Random Lane, thence with the margin of said Random Lane along a curve having a chord bearing and chord distance of S. 01-26-03 W. 58.42 feet and having a radius of 790.40 feet to the BEGINNING, containing 0.44 acres (0.0007 square miles) more or less.

This description was taken from a plat by Simmons Engineering & Surveying entitled, "Final Plat Corporate Limits Extension City of Burlington", dated July 27, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent. The map of the Annexation Area included in Appendix B (see Annexation Area Map) shows that the area is adjacent and contiguous (G.S. 160A-48(b)(1)).
- (2) One-eighth – The total aggregate external boundary of the annexation area is 541feet. The length of the aggregated external boundary that coincides with the City's existing boundary is 541 feet, which is 100% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2) (see Contiguity Test map in Appendix B).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{541}{541} = 1.00 \times 100 = 100\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality as can be seen from the map included in Appendix A (G.S. 160A-48(b)(3)).

(4) Developed for Urban Purposes

Use and Subdivision Test - The area is developed for urban purposes such that it meets both of the following tests found in G.S.160A-48(c)(3), in that 100% of the total number of lots and tracts in the area are used for residential, commercial, industrial, institutional or governmental purposes; and 100% of the total residential and undeveloped acreage consists of lots and tracts three acres or less in size. In both cases the target is 60%. (see Land Use Test and Subdivision Test maps in Appendices B) This is demonstrated as follows:

- Use Test

Total number of lots and tracts	1
Number lots & tracts used for urban purposes [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	1
Percentage of lots and tracts used for urban purposes	100%

- Subdivision Test

Total acres	.44 acres
Acres for commercial, industrial, governmental, institutional purposes	0 acres
Total acres minus acres in commercial, industrial, governmental & institutional use = total residential and undeveloped acreage	.44 acres
Residential and undeveloped acreage in lots or tracts of three acres or less	.44 acres
Percentage of residential and undeveloped acreage in lots or tracts of three acres or less	100%

- (6) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council on September 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds

appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Mayor Pro Tem Huffman, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

RANDOM LANE SOUTH AREA

Councilmember Butler moved for the adoption of the following ordinance:

10-32

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE

4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

RANDOM LANE SOUTH ANNEXATION DESCRIPTION

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining the lands of Lots 5 & 7 – Random Hills, James C. Brown and Random Lane and more particularly described as follows:

BEGINNING at a mathematical point and being on the western margin of Random Lane and being a corner with Lot 7 – Random Hills, running thence with said Lot 7 N. 78-59-15 W. 200.00 feet to a mathematical point and being a corner with said Lot 7 and in the line of James C. Brown, thence with the line of said Brown N. 11-00-45 E. 100.00 feet to mathematical point and being a corner with Lot 5 – Random Hills and in the line of said Brown, thence with the line of said Lot 5 S. 78-59-15 E. 200.00 feet to a mathematical point and being a corner with said Lot 5 and on the western margin of Random Lane, thence with the margin of said Random Lane S. 11-00-45 W. 100.00 feet to the BEGINNING, containing 0.46 acres (0.0007 square miles) more or less.

This description was taken from a plat by Simmons Engineering & Surveying entitled, "Final Plat Corporate Limits Extension City of Burlington", dated July 27, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 592 feet. The length of the aggregated external boundary that coincides with the City's

existing boundary is 481 feet, which is 81.3% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{481}{592} = 0.813 \times 100 = 81.3\%$$

(3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).

(4) Developed for Urban Purposes

Use and Subdivision Test - The area is developed for urban purposes such that it meets both of the following tests found in G.S.160A-48(c)(3), in that 100% of the total number of lots and tracts in the area are used for residential, commercial, industrial, institutional or governmental purposes; and 100% of the total residential and undeveloped acreage consists of lots and tracts three acres or less in size. In both cases the target is 60%. This is demonstrated as follows:

- Use Test

Total number of lots and tracts	1
Number lots & tracts used for urban purposes [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	1
Percentage of lots and tracts used for urban purposes	100%

- Subdivision Test

Total acres	.46 acres
Acres for commercial, industrial, governmental, institutional purposes	0 acres
Total acres minus acres in commercial, industrial, governmental & institutional use = total residential and undeveloped acreage	.46 acres
Residential and undeveloped acreage in lots or tracts of three acres or less	.46 acres
Percentage of residential and undeveloped acreage in lots or tracts of three acres or less	100%

(5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council on September 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Councilmember Faucette, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

WESTVIEW TERRACE AREA

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

10-33

AN ORDINANCE TO EXTEND THE CORPORATE LIMIST OF THE CITY OF

BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

WESTVIEW TERRACE ANNEXATION DESCRIPTION

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining the lands of Lots 1-3 - Alamance Crossing, LLC. Westview Terrace, Boone Station Drive, Garden Road, Lots 1,3 & 4 - Love & Chandler, Larry R. King, Interstate 85/40, Lot 7 - Alamance Crossing and Fairview Drive and more particularly described as follows:

BEGINNING at a mathematical point and being on the northeast margin of Garden Road, running thence with the said margin of Garden Road the following courses and distances: S. 58-58-35 E. 243.45 feet to a mathematical point, S. 58-36-29 E. 106.68 feet to a mathematical point, S. 57-12-23 E. 114.21 feet to a mathematical point, S. 56-12-22 E. 116.52 feet to a mathematical point, S. 55-37-01 E. 60.29 feet to a mathematical point, S. 55-02-41 E. 246.06 feet to a mathematical point, thence along a curve having a chord bearing and chord distance of S. 49-44-15 E. 289.01 feet and having a radius of 1562.21 feet to a mathematical point, thence across the margin of said Garden Road and continuing with the line of Lot 1 – Love & Chandler S. 46-13-52 W. 276.88 feet to a mathematical point and being a corner with said Lot 1, thence again with said Lot 1 S. 28-05-43 E. 44.38 feet to a mathematical point and being a corner with said Lot 1 and Lot 3 – Love & Chandler, thence with the line of said Lot 3 and continuing with the line of Lot 4 – Love & Chandler S. 61-57-32 W. 419.94 feet to a mathematical point and being a corner with said Lot 4, thence with the line of said Lot 4 S. 01-20-33 E. 67.60 feet to a mathematical point and being a corner with said Lot 4, thence again with said Lot 4 N. 88-33-23 W. 331.79 feet to a mathematical point and being a corner with said Lot 4 and Larry R. King, thence with the line of Larry R. King S. 80-36-37 W. 184.44 feet to a mathematical point and being a corner with said King, thence again with the line of said King S. 06-56-40 E. 187.53 feet to a mathematical point and being a corner with said King and being on the northern margin of Interstate 85/40, thence with the margin of Interstate 85/40 S. 87-18-29 W. 279.75 feet to a mathematical point, thence again with said margin of Interstate 85/40 S. 86-17-32 W. 150.04 feet to a mathematical point and

being a corner with Lot 7 -Alamance Crossing, thence with the line of said Lot 7 N. 00-19-24 W. 293.78 feet to a mathematical point, thence again with the line of said Lot 7 N. 87-41-27 E. 149.87 feet to a mathematical point, thence with line of said Lot 7, crossing over Fairview Drive and continuing with Lots 1-3 – Alamance Crossing, LLC. Westview Terrace N. 00-19-24 W. 694.37 feet to a mathematical point and being a corner with Lot 1 – Alamance Crossing, LLC. Westview Terrace, thence with the line of said Lot 1 N. 89-40-36 E. 200.18 feet to a mathematical point and being on the western margin of Westview Terrace and a corner with said Lot 1, thence across the margin of said Westview Terrace N. 89-42-22 E. 60.00 feet to a mathematical point and being on the eastern margin of said Westview Terrace, thence with the margin of Westview Terrace and being a new line Lot 15 – Pb.13 P.24 N. 00-17-38 W. 119.94 feet to a mathematical point and being in the line of said Lot 15, thence a new line with Lot 14 – Pb.13 P.24 along a curve and having a chord bearing and chord distance of N. 15-14-52 E. 214.97 feet and having a radius of 401.17 feet to a mathematical point and being on the southeast margin of Boone Station Drive, thence with the margin of Boone Station Drive N. 30-47-21 E. 24.95 feet to a mathematical point and being at the intersection with the southeast margin of Boone Station Drive and southwest margin of Garden Road, thence across the margin of Garden Road N. 30-47-21 E. 60.00 feet to the BEGINNING, containing 25.11 acres (0.0392 square miles) more or less.

This description was taken from a plat by Simmons Engineering & Surveying entitled, "Final Plat Corporate Limits Extension City of Burlington", dated July 27, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 4,951 feet. The length of the aggregated external boundary that coincides with the City's existing boundary is 4,518 feet, which is 91.3% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{4,518}{4,951} = 0.913 \times 100 = 91.3\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).
- (4) Developed for Urban Purposes

Use and Subdivision Test - The area is developed for urban purposes such that it meets both of the following tests found in G.S.160A-48(c)(3), in that 83.3% of the total number of lots and tracts in the area are used for residential, commercial, industrial, institutional or governmental purposes; and 100% of the total residential and undeveloped acreage consists of lots and tracts three acres or less in size. In both cases the target is 60%. This is demonstrated as follows:

- Use Test

Total number of lots and tracts	30
Number lots & tracts in urban use [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	25
Percentage of lots and tracts used for urban purposes	83.3%

- Subdivision Test

Total acres	21.03 acres
Acres for commercial, industrial, governmental, institutional purposes	0 acres
Total acres minus acres in commercial, industrial, governmental & institutional use = total residential and undeveloped acreage	21.03 acres
Residential and undeveloped acreage in lots or tracts of three acres or less	21.03
Percentage of residential and undeveloped acreage in lots or tracts of three acres or less	100 %

(5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved as amended by the City Council on December 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be

recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Councilmember Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler and Ross. Councilmember Faucette voted against the motion.

CROUSE LANE AREA

Councilmember Ross moved for the adoption of the following ordinance:

10-34

AN ORDINANCE TO EXTEND THE CORPORATE LIMIST OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of

Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

CROUSE LANE ANNEXATION DESCRIPTION

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining the lands of Sans Associates and Lots 3-5 Woodberry Park and more particularly described as follows:

BEGINNING at a mathematical point, corner with Lot 5 Woodberry Park and Sans Associates and being N. 19-29-26 E. 361.74 feet from a point on the southern margin of Crouse Lane, running thence with the line of Lot 5 Woodberry Park and continuing with the line of Lot 4 Woodberry Park S. 70-30-34 W. 300.73 feet to a mathematical point and being a corner with Lot 4 and Lot 3 Woodberry Park, thence with the line of said Lot 3 N. 19-29-41 W. 210.03 feet to a mathematical point and being a corner with said Lot 3, thence again with the line of said Lot 3 N. 70-29-17 E. 420.10 feet to a mathematical point and being a corner with said Lot 3 and in the line of Sans Associates, thence with the line of said Sans Associates S. 19-29-12 E. 210.15 feet to a mathematical point and being a corner with said Sans Associates, thence again with the line of said Sans Associates S. 70-29-24 W. 119.34 feet to the BEGINNING, containing 2.03 acres (0.0032 square miles) more or less.

This description was taken from a plat by Simmons Engineering & Surveying entitled, "Final Plat Corporate Limits Extension City of Burlington", dated July 27, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 1,257 feet. The length of the aggregated external boundary that coincides with the City's existing boundary is 927 feet, which is 73.7% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{927}{1,257} = 0.737 \times 100 = 73.7\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).
- (4) Developed for Urban Purposes

Nonresidential Urban Uses - The area is developed for urban purposes such that it meets the following test (G.S.160A-48(c)(5)) in that all tracts at the time of the annexation report are used for commercial, industrial, governmental, or institutional purposes. This is demonstrated as follows:

- Nonresidential Urban Uses Test

Total number of lots and tracts	1
Number lots & tracts used for urban purposes [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	1
Percentage of lots and tracts used for urban purposes	100%

(5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council on September 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Mayor Pro Tem Huffman, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

KIRKPATRICK ROAD MEDICAL OFFICES AREA

Councilmember Butler moved for the adoption of the following ordinance:

10-35

AN ORDINANCE TO EXTEND THE CORPORATE LIMIST OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

KIRKPATRICK ROAD MEDICAL OFFICES ANNEXATION DESCRIPTION

A certain tract or parcel of land in Graham Township, Alamance County, North Carolina, adjoining the lands of ARMC, Inc., Alamance Regional Medical Center, Kirkpatrick Road, NCDOT, Bessie Lee Shelton and Grand Oaks Blvd. and more particularly described as follows:

BEGINNING at a mathematical point, corner with NCDOT and being at an intersection with the margin of Grand Oaks Blvd. and southeast margin of Kirkpatrick Road, running thence with said NCDOT N. 67-43-56 W. 142.50 feet to a mathematical point and being a corner with

said NCDOT, thence with the line of NCDOT S. 78-57-00 W. 69.53 feet to a mathematical point and being in the line of Bessie Lee Shelton, thence with the line of said Shelton, crossing over the right of way of Grand Oaks Blvd. and continuing with ARMC, Inc. N. 45-09-11 W. 427.61 feet to a mathematical point, thence continuing with said ARMC, Inc. N. 45-09-11 W. 313.77 feet to a mathematical point and being in the line of said ARMC, Inc. and a corner with Alamance Regional Medical Center, thence with the line of Alamance Regional Medical Center N. 44-51-05 E. 477.72 feet to a mathematical point being on the southwest margin of Kirkpatrick Road and in the line of the existing City of Burlington Corporate Limits (Pb.64 P.30), thence with the margin and continuing inside the margin and of said Kirkpatrick Road and with the line of the existing City of Burlington Corporate Limits the following courses and distances: S. 23-47-24 E. 336.80 feet to a mathematical point, S. 23-45-08 E. 422.06 feet to a mathematical point, S. 23-39-23 E. 72.31 feet to a mathematical point, thence along a curve having a chord bearing and chord distance of S. 20-52-28 E. 151.39 and having a radius of 1521.48 feet to the BEGINNING, containing 5.97 acres (0.0093 square miles) more or less.

This description was taken from a plat by Simmons Engineering & Surveying entitled, "Final Plat Corporate Limits Extension City of Burlington", dated July 27, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 2,335 feet. The length of the aggregated external boundary that coincides with the City's existing boundary is 1,705 feet, which is 73.0% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{1,705}{2,335} = 0.730 \times 100 = 73.0\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).
- (4) Developed for Urban Purposes

Nonresidential Urban Uses - The area is developed for urban purposes such that it meets the following test (G.S.160A-48(c)(5)) in that all tracts at the time of the annexation report are used for commercial, industrial, governmental, or institutional purposes. This is demonstrated as follows:

- Nonresidential Urban Uses Test

Total number of lots and tracts	2
Number lots & tracts used for urban purposes [residential	2

(house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	
Percentage of lots and tracts used for urban purposes	100%

- (5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council on September 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Councilmember Ross, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage.

Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

GREYSTONE CONDO AREA

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

10-36

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

GREYSTONE CONDOS ANNEXATION DESCRIPTION

A certain tract or parcel of land in Graham Township, Alamance County, North Carolina, adjoining the lands of Patricia Graves, Mittie H. Callahan, John Alexander McCrary, III Chester B. Honeycutt and Greystone Condominiums and more particularly described as follows:

BEGINNING at a mathematical point and being a common corner with Patricia T. Graves, Mittie H. Callahan and John Alexander McCrary, III, running thence with the line of said McCrary, III the following courses and distances N. 02-15-20 W. 171.70 feet to a mathematical point, N. 11-38-35 E. 717.61 feet to a mathematical point, N. 25-41-40 E. 135.45 feet to a mathematical point and being a corner with Chester B. Honeycutt, thence with the line of said Honeycutt S. 82-06-00 E. 192.45 feet to a mathematical point and being on the line of said Honeycutt and being on the line of the existing City of Burlington Corporate Limits (COB Drawing No. 3064-88) , thence with the line of the existing City of Burlington Corporate Limits S.

07-31-26 W. 1008.32 feet to a mathematical point and being on the line of Patricia T. Graves , thence with the line said Graves and the existing City of Burlington Corporate Limits N. 83-23-05 W. 257.10 feet to the BEGINNING, containing 5.95 acres (0.009 square miles) more or less.

This description was taken from a plat by Simmons Engineering & Surveying entitled, "Final Plat Corporate Limits Extension City of Burlington", dated July 27, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 2,478 feet. The length of the aggregated external boundary that coincides with the City's existing boundary is 1,233 feet, which is 49.7% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{1,233}{2,478} = 0.497 \times 100 = 49.7\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).
- (4) Developed for Urban Purposes

Greystone Condo Area: Population Density - The area is developed for urban purposes such that it meets the following test (G.S.160A-48(c)(1)) in that the area has a total resident population equal to at least 2.3 persons per acre of land within its boundaries. The area consists of 25 lots on 5.8 acres and needs a population of 13.3 people in order to qualify under the General Statutes. The area has 24 dwelling units with a persons per household of 2.37 for an estimated population of 56.9.

Total number of lots and tracts	25
Total Acreage	5.8 acres
Population required to meet 2.3 people per acre of land	13.3 people
Greystone Condo Area Population: [Population = dwelling units x persons per household] or Population = 24 x 2.37 (Census Tract 208)	56.9 people

- (5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved

by the City Council on September 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Councilmember Ross, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

AIRPORT AREA

Councilmember Ross moved for the adoption of the following ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMIST OF THE CITY OF BURLINGTON, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council has taken into full consideration the statements presented at the public hearing held on December 7, 2010 on the question of this annexation; and

WHEREAS, the City Council has concluded and hereby declares that annexation of this area described herein is necessary to the orderly growth and development of the City of Burlington;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Burlington, and the corporate limits of the City of Burlington shall be extended to include said territory more particularly described by metes and bounds as follows:

AIRPORT ANNEXATION DESCRIPTION

Beginning at a point in the western right of way of SR 1154 (Tucker Street), the south east corner of American Honda Motor property, thence with said Honda property the following courses: N83-57-55W 242.70' to a point, S51-29-48W 433.48' to a point, S30-15-11W 45.44', to a point N81-04-39W 370.64', to a point N76-25-29W 413.89', to a point N26-39-09W 570.30', to a point N63-59-17W 184.01', to a point S81-53-07W 98.91', to a point N26-16-00E 106.40', to a point S79-43-10W 57.60', to a point N47-35-49W 115.92', to a point N87-35-26W 15.39' to a point, N27-40-42W 86.79', to a point N13-37-43E 178.17', to a point N11-01-43W 219.43', to a point N52-06-01E 1010.89', to a point N54-50-53E 309.28', to a point N60-37-52E 1338.95' to a point, thence N35-45-28E 333.93' to a point, thence N58-32-46W 1250.46 to a point, thence N51-38-58W 457.48 to a point, thence S34-24-07W 1178.50' to a point, thence N89-20-53W 1621.21' to a point, thence S00-31-30W 62.43' to a point, thence N88-55-12W 890.57' to a point, thence S00-55-54W 712.71' to a point, thence S31-57-27E 478.29' to a point, thence N88-42-27W 1051.56' to a point, thence S00-52-58W 184.65' to a point, thence S00-57-30W 853.79' to a point, thence S89-40-58W 626.64' to a point, thence S33-14-25W 865.48' to a point, thence N66-10-35W 428.50' to a point, thence S27-35-55W 57.00' to a point, thence S31-25-55W 543.00' to a point, thence S33-28-44W 60.00' to a point, thence S56-30-55E 400.04' to a point, thence S33-29-27W 99.96' to a point, thence N56-31-16W 260.02' to a point, thence S33-25-55W 49.95' to a point, thence N56-32-30W 140.04' to a point, thence S33-28-44W 449.50' to a point, thence N62-46-52W 410.93' to a point, thence N87-08-09W 290.96' to a point, thence N01-34-51E 424.84' to a point, thence S87-08-07E 49.03' to a point, thence N19-46-47E 1463.31' to a point, thence N57-27-42W 232.37' to a point, thence N46-27-42W 57.86' to a point thence N46-27-42W 16.64' to a point, thence N52-27-42W 290.00' to a point N53-07-42W 366.00', thence N59-07-42W

125.00' to a point, thence N48-02-42W 150.30' to a point, thence N54-12-42W 87.00' to a point, thence N37-27-42W 110.00' to a point, thence N72-27-42W 128.00' to a point, thence N46-12-42W 118.09' to a point, N26-45-56E 63.15' to a point, N49-14-40W 113.82' to a point, N12-09-35W 65.30' to a point, thence S53-09-27W 1024.00' to a point, thence S40-25-29E 356.79' to a point, thence S87-22-29E 337.67' to a point, thence S02-42-04W 313.54' to a point, thence S03-46-06W 601.87', thence S01-33-27W 696.13' to a point, thence N87-14-27W 567.36' to a point, thence S00-27-53E 438.60' to a point, thence N88-44-00E 321.23' to a point, thence N07-33-20E 306.98' to a point, thence S01-35-43W 282.35' to a point, thence S87-18-01E 195.16' to a point, thence S01-36-13W 382.57' to a point, thence S86-03-30W 536.60' to a point, thence S00-12-38E 695.98' to a point, thence S89-35-10E 512.17' to a point, thence S01-36-13W 146.58' to a point, thence S86-40-49E 891.66' to a point, thence S46-50-42E 60.00' to a point in the Eastern RW of NC HWY 62, thence following a curve to the left having a radius of 1739.03' and chord of S39-13-01W 238.86' to a point the NE intersection of NC HWY 62 and SR 1148 (Anthony Rd). thence following the Northern RW of said SR 1148 the following courses S59-47-31E 936.44' to a point, following a curve to the left having a radius of 797.75' and chord of S85-27-05E 690.88' to a point, thence N68-53-21E 1120.85' to a point, following a curve to the right having a radius of 2774.20' and chord of N74-25-33E 535.31' to a point, thence N79-57-44E 1437.38' to a point, following a curve to the left having a radius of 6091.37' and chord of N75-37-12E 922.40' to a point, thence N71-16-40E 123.16' to a point, thence S04-37-52W 1172.84' to a point, thence S85-40-33E 431.23' to a point, thence S04-21-16W 24.78' to a point, thence S86-45-25E 420.31' to a point, thence N02-07-53E 331.14' to a point, thence N86-45-25W 407.46' to a point, thence N04-21-16E 313.80' to a point, thence S87-52-07E 395.21' to a point, thence N01-48-38E 808.68' to a point, thence N71-08-27E 398.54' to a point, thence N69-16-01E 1097.60' to a point, thence N69-27-04E 144.93' to a point, thence S21-51-32E 315.24' to a point, thence N82-37-10E 108.72' to a point, thence S07-34-38E 343.78' to a point, thence N69-44-01E 540.00' to a point, thence S10-56-23E 264.25' to a point, thence S52-53-05W 353.08' to a point, thence S10-56-23E 200.00' to a point, thence N79-03-37E 294.29' to a point, thence N62-07-31E 70.76' to a point, thence N80-45-11E 314.90' to a point, thence N10-56-23W 136.27' to a point, thence N59-11-20E 410.36' to a point, thence N76-11-10E 948.19' to a point, thence N03-37-54E 636.07' to a point, thence N07-53-58E 592.65' to a point, thence N84-11-08E 358.95' to a point, thence N55-35-25W 228.04' to a point, thence N56-29-00E 65.04' to a point, thence S55-35-25E 285.83' to a point, thence S55-58-51E 127.19' to a point, thence N34-24-35E 410.46' to a point, thence N55-44-33W 348.49' to a point, thence following a curve to the left having a radius of 1573.44' and chord of N47-05-14E 51.28' to a point, thence S55-44-33E 884.33' to a point, thence N42-08-13E 390.60' to a point, thence N41-06-42W 867.60' to a point, N43-17-56E 341.46' to a point, thence N44-44-52E 160.59' to a point, thence S41-06-40E 872.51' to a point, thence N48-53-20E 500.00' to a point, thence N41-06-40W 856.68' to a point, thence N54-09-31E 819.26' to a point, thence following a curve to the left having a radius of 896.70' and chord of N47-39-12E 203.18' to a point, thence S39-10-12E 305.14' to a point, thence N46-16-48E 215.15' to a point, thence N57-53-12W 327.02' to a point, thence N39-26-53E 307.21' to a point, thence following a curve to the right having a radius of 13185.55' and chord of N38-57-48E 223.06' to a point, thence following a curve to the right having a radius of 813.90' and chord of N39-01-13E 15.38' to a point, thence N82-35-30W 1156.51' to a point, thence S11-51-57W 150.00' to a point, thence S72-28-57W 118.58' to a point, thence S11-51-57W 200.00' to a point, thence N66-40-03W 200.00' to a point, thence N11-51-57E 348.24' to a point, thence N78-09-11W 599.94' to a point, thence S11-51-09W 583.57' to a point, thence N77-42-51W 117.00' to a point, thence S05-18-44W 993.30' to a point, thence N88-31-41W 320.56' to a point, thence S01-28-19W 60.00' to a point, thence N88-31-41W 73.03' to a point, thence S07-35-10W 168.83' to a point, thence N88-27-28W 90.00' to a

point, thence S07-48-38-W 608.01' to a point, thence N67-35-58W 1616.23' to a point N03-45-13E 229.21' to a point, thence N77-23-51W 965.58' to a point in the Western RW of SR 1154 (Tucker St), thence with said RW the following courses: a curve to the left having a radius of 950.20' and a chord of S08-25-27W 291.74' to a point, a curve to the left having a radius of 1056.24' and a chord of S04-45-27E 166.46' to a point, thence S09-24-51E 202.26' to a point, thence S09-16-10E 575.05' to a point, thence S11-47-28E 263.50' to a point, thence a curve to the right with a radius of 1663.88' and chord of S06-02-32E 208.75' to a point, the place and point of beginning containing 984.456 acres (1.5382 sq miles) as shown on survey by RS Jones and Associates, Inc entitled "City of Burlington Corporate Limits Extension" dated Sept. 14, 2010.

Section 2. The City Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

- (1) Contiguous - The annexation area is contiguous to the City's existing boundaries at the time the annexation proceeding began with the adoption of the Resolution of Intent.
- (2) One-eighth – The total aggregate external boundary of the annexation area is 69,036 feet. The length of the aggregated external boundary that coincides with the City's existing boundary is 25,470 feet, which is 36.9% of the total aggregate external boundary. This exceeds the contiguity requirement of 12.5% in G.S. 160A-48(b)(2).

$$\frac{(\text{Contiguous distance})}{(\text{Aggregate distance})} = \frac{25,470}{69,036} = 0.369 \times 100 = 36.9\%$$

- (3) Not within another city – No part of the annexation area is included within the boundary of another incorporated municipality (G.S. 160A-48(b)(3)).

- (4) Developed for Urban Purposes

Use and Subdivision Test - The area is developed for urban purposes such that it meets both of the following tests found in G.S.160A-48(c)(3), in that 83% of the total number of lots and tracts in the area are used for residential, commercial, industrial, institutional or governmental purposes; and 71.3% of the total residential and undeveloped acreage consists of lots and tracts three acres or less in size. In both cases the target is 60%. This is demonstrated as follows:

- Use Test

Total number of lots and tracts	96
Number lots & tracts in urban use [residential (house on lot 5 acres or less), commercial, industrial, institutional & governmental use]	80
Percentage of lots and tracts used for urban purposes	83%

- Subdivision Test

Total acres	767.3 acres
Acres for commercial, industrial, governmental, institutional purposes	710.5 acres
Total acres minus acres in commercial, industrial, governmental & institutional use = total residential and undeveloped acreage (33 lots)	56.8 acres
Residential and undeveloped acreage in lots or tracts of three acres or less (29 lots)	40.5
Percentage of residential and undeveloped acreage in lots or tracts of three acres or less	71.3%

(5) Property Lines and Streets as Boundaries – In drawing the boundaries of the annexation area, the City used recorded property lines and streets.

(6) Land Bridge - G.S.160A-48(d) provides that an area which is not yet developed for urban purposes may be included in the annexation area if it “constitutes a necessary land connection” between the city and areas developed for urban purposes, or between two more areas developed for urban purposes.” A land bridge connection may not exceed 25% of the total area to be annexed. To qualify it must:

- a) Lie between the municipal boundary and an area developed for urban purposes such that the area developed for urban purposes is either not adjacent to the city, or can’t be served without extending services and/or water or sewer through the area. (G.S. 160A-48(d)(1)); **OR**
- b) Be adjacent on at least 60% of its external boundary to any combination of the municipal boundary and boundary of an area developed for urban purposes. (G.S. 160A-48(d)(2)).**

The Airport Area includes several land bridges, totaling 187.1 acres. These properties qualify as land bridges because they are adjacent on at least 60% of their external boundary to any combination of the municipal boundary and boundary of an area developed for urban purposes. (G.S. 160A-48(d)(2)). The Airport Annexation Area could have annexed a total of 191.8 acres of land under the land bridge provision in the General Statutes and still be below the maximum 25% threshold.

Section 3. It is the purpose and intent of the City of Burlington to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved as amended by the City Council on December 21, 2010 and filed in the office of the Clerk for public inspection on September 22, 2010.

Section 4. The City Council hereby finds and declares that, on the effective date of annexation prescribed in Section 8 hereof, the City of Burlington will have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water system of the City of Burlington into the area to be annexed under this ordinance, as well as any extensions of water

and/or sewer lines to individual properties which have been requested by property owners pursuant to G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. The newly annexed territory described above shall be subject to City taxes according to G.S. 160A-58.10.

Section 7. The mayor of the City of Burlington shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Alamance County, and in the office of the Secretary of State in Raleigh. Such map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on December 31, 2011 at 11:59pm.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2).

Adopted this 21th day of December, 2010.

The foregoing ordinance was seconded by Councilmember Faucette, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

**ITEM 4: SET DATE OF PUBLIC HEARING - AMEND CONDITIONAL REZONING
- SHOPPES AT WATERFORD - (ON APPEAL)**

Mayor Wall announced that the City Council had received a request to set a date of public hearing to consider a request to rezone from C-OI, Conditional Office-Institutional, to CB, Conditional Business, to allow the use of an automobile refueling plaza with a canopy and kiosk. The property is located at the southwest corner of South Church Street and University Drive as shown on Alamance County Tax Map 9-27, a portion of Lot 7, consisting of .825 acres. (ON APPEAL)

Mr. Charles Bateman, on behalf of Lowe's Foods and Zimmer

Development Company, stated that the request to amend the Conditional rezoning was heard by the Planning and Zoning Commission at its meeting on November 22, 2010. He stated that commission members voted against the amendment based on fears that the creek that runs through the area was too close to the proposed facility. Mr. Bateman asked Council to set a date of public hearing for February 1, 2011, to hear the request. Mayor Pro Tem Huffman suggested February 15, 2011. Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously set a date of public hearing for February 15, 2011.

ITEM 5: ADOPT RESOLUTION - NORTH CAROLINA PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM

Mayor Wall announced that City Council would consider adopting a resolution in support of North Carolina's current Public Alcoholic Beverage Control System and to oppose any efforts to privatize the ABC system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.

City Manager Owen stated ABC Chairman Haywood Simpson had presented information at a previous Council meeting concerning the privatization of the ABC system and that staff had presented additional information. Mr. Owen stated that the City would not receive the revenue each year but that control of sales of alcohol was a greater concern. He said if the sales were privatized there would be increased services for the Police Department.

Councilmember Faucette said he would like to discuss this issue at the retreat.

Mayor Wall asked about the amount of revenue received by the City and Mr. Owen replied that the City received \$350,000 this year and that Family Abuse and Residential Treatment Services also received funds annually from the sale of alcohol.

Mayor Pro Tem Huffman pointed out that with privatization the City is supposed to receive the revenue.

Councilmember Butler said that this issue was discussed at a joint meeting with the ABC Board over a year ago. He said that less control would put more strain on community services; therefore, he stated he would like to vote at that time.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved by a vote of four to one to adopt the resolution. Councilmember Faucette voted against the motion.

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RESOLUTION IN SUPPORT OF NORTH CAROLINA'S CURRENT PUBLIC ALCOHOLIC
BEVERAGE CONTROL SYSTEM

WHEREAS, Chapter 18B of the North Carolina General Statutes addresses the regulation of alcoholic beverages in our state; and,

WHEREAS, current North Carolina law establishes a uniform system of control over the sale, purchase, transportation, manufacture, consumption and possession of alcoholic beverages in North Carolina; and,

WHEREAS, local government control is central to the current alcoholic beverage control system. It is a local decision to establish and operate ABC stores, and local government, acting through an appointed local ABC Board, balances the control, profits and availability of spirits in its jurisdiction; and,

WHEREAS, when local voters approved liquor sales for off-premises consumption, the voters did not vote to allow liquor to be sold in private retail establishments, but only through publicly controlled local ABC stores; and,

WHEREAS, current law provides that profits from ABC store sales are returned to local government, and this revenue stream is a critical source of local government funding; and,

WHEREAS, it is a priority to maintain current sources of revenue, especially in the current challenging economic times.

NOW, THEREFORE, BE IT RESOLVED that the City of Burlington does hereby support the continuance of the Alcoholic Beverage Control System, and opposes any efforts to privatize the ABC system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.

Adopted this 21st day of December 2010.

PUBLIC HEARING:

ITEM 6: REZONING - BONNIE LANE

Mayor Wall announced that a public hearing had been scheduled to consider rezoning from R-15, Residential District, to MF-A, Multifamily District, property located at 2341 Bonnie Lane as shown on Alamance County Tax Map 12-4, a portion of Lot 15, consisting of 13.76 acres.

Planning and Economic Development Director Bob Harkrader stated that the rezoning request received a favorable recommendation from the Planning and Zoning Commission. He described the surrounding zoning.

Mr. Ken Little, Grand Oaks Subdivision, stated his neighborhood had been fighting encroachment of condominiums, apartments and townhouses for some time. He stated the multifamily zoning would degrade the quality of his property and have a detrimental effect on the salability of the property. He asked Council to reject the zoning request.

Mr. Charles Carter, Grand Oaks Boulevard, spoke against the rezoning. He said there were already so many condominiums and apartments that were empty and there was no need to build additional multifamily units.

Mr. Richard Efird, 2270 Bonnie Lane, stated that he owned adjacent property that was not zoned multifamily and that he was concerned with the development of so many apartments in an area that had once been mostly single-family residences. Mr. Efird stated that Gunn Creek ran through the property in question but that according to the developer, the development would be on the other side of the creek. He said if that happened, he had no problem with the rezoning.

Mr. Jason DeBoer, the petitioner, stated he was a resident of Grand Oaks and that he would not want to hurt property values. Mr. DeBoer stated he would like to build something that would be income-producing.

Mr. Harkrader said the property presented typography development challenges.

Mayor Pro Tem Huffman suggested Conditional Zoning in order to preserve the wetlands.

Councilmember Butler said the project was doable but protective elements needed to be considered.

Mayor Pro Tem Huffman asked if it was feasible for Mr. DeBoer to withdraw his request.

City Attorney Ward said it would be better to withdraw the request; otherwise, the petitioner would have to wait 12 months to bring it back to Council.

Mr. DeBoer asked to withdraw his request.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to allow Mr. De Boer to withdraw his request.

PUBLIC COMMENT PERIOD:

Mr. Joe Tickle stated that this Council was raising taxes when they were not elected by the people being annexed and that that should be ashamed.

CITY COUNCIL COMMENTS:

- Councilmember Ross thanked staff for its work during the annexation process and commended it for a great job in what was provided to Council.
- Councilmember Ross complimented the City for its excellent credit rating which was raised to AA. He thanked the Finance Department staff for the work they did on the recent sale of the revenue bonds.
- Mayor Wall congratulated Councilman Ross for being newly elected to the NCLM Tax and Legislative Committee.
- Mayor Wall reminded everyone of Christmas in the Park on December 22 and 23.
- Mayor Wall stated that the Council Retreat would be held on January 27, 2011.
- Mayor Wall read a note from Sam and Vickie Hunt stating the new Spay/Neuter Clinic had reached a total of 1,000 spays/neuters since opening in March 2010.
- Mayor Wall asked Councilmembers to have retreat items to Harold Owen by December 23, 2010.

ADJOURN:

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk